

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN**

SEMICONDUCTOR ENERGY  
LABORATORY CO., LTD.,

Plaintiff and  
Counterclaim-Defendant,

v.

SAMSUNG ELECTRONICS CO., LTD.,  
S-LCD CORPORATION, SAMSUNG  
ELECTRONICS AMERICA, INC.,  
SAMSUNG TELECOMMUNICATIONS  
AMERICA, LLC, AND SAMSUNG MOBILE  
DISPLAY CO., LTD.,

Defendants and  
Counterclaim-Plaintiffs.

CIVIL ACTION NO. 3:09-CV-00001

JUDGE: Barbara B. Crabb

MAGISTRATE: Stephen L. Crocker

**DECLARATION OF JAMES T. CARMICHAEL IN SUPPORT OF  
SAMSUNG'S OPPOSITION TO SEL'S MOTION TO COMPEL**

I, James T. Carmichael, declare as follows:

1. I have been retained by Defendants Samsung Electronics Co., Ltd., S-LCD Corp., Samsung Electronics America, Inc., Samsung Telecommunications America, LLC, and Samsung Mobile Display Co., Ltd. (collectively “Samsung”) to provide expert opinions with respect to United States Patent and Trademark Office (“USPTO”) patent practice and procedure, as applied to procurement of U.S. Patent No. 6,900,463 (“the ‘463 Patent”). I make this declaration based on my personal knowledge, and, if I were to be called as a witness, I would and could testify competently regarding the facts and opinions stated below.

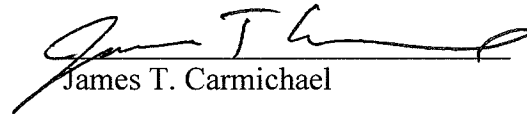
2. On December 15, 2009, I submitted my expert report in this case, opining on USPTO patent practice and procedure related to the procurement of the ‘463 Patent.

3. On December 30, 2009, I submitted a corrected version of my expert report of December 15, 2009, in which I corrected certain minor errors I identified in my expert report.

4. As detailed in my expert report, it is my opinion that to the extent Dr. Yujiro Nagata’s signature on the Substitute Declaration and Power of Attorney for Patent Application (“Substitute Declaration”), dated September 25, and 30, 1991 was forged, and Dr. Shunpei Yamazaki (or any other person substantively involved in the prosecution of the ‘463 Patent) knowingly prepared or submitted to the USPTO such a forged declaration, this constitutes a serious and highly material breach of the duty of candor and good faith to the USPTO.

5. At no time have I met with or spoken to Dr. Nagata, nor have I listened to any taped conversations in which Dr. Nagata was a participant.

I declare under penalty of perjury that the foregoing is true and correct. Executed on  
January 8, 2010, at Washington D.C.

  
James T. Carmichael

**CERTIFICATE OF SERVICE**

This is to certify that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rules (L.R. 5.1) and the Court's Administrative Procedures for Electronic Filing and Service III.E(3) on January 11, 2010.

/s/ Brian M. Berliner